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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/582,945	06/15/2006	Mikael Axelsson	05049.0009	9736
22852	7590	12/05/2007	EXAMINER	
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			TREYGER, ILYA Y	
ART UNIT		PAPER NUMBER		
3761				
MAIL DATE		DELIVERY MODE		
12/05/2007		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/582,945	AXELSSON ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Ilya Y. Treyger	3761	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### **Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 10/17/2006.

2a)  This action is **FINAL**.                    2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-44 is/are pending in the application.  
4a) Of the above claim(s) 4-26, 30-35 and 40-44 is/are withdrawn from consideration.  
5)  Claim(s) \_\_\_\_\_ is/are allowed.  
6)  Claim(s) 1-3, 27-29 and 36-39 is/are rejected.  
7)  Claim(s) \_\_\_\_\_ is/are objected to.  
8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 06/15/2006.

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_ .  
5)  Notice of Informal Patent Application  
6)  Other: \_\_\_\_ .

## **DETAILED ACTION**

Claims 1-44 of US Application 11/582,945, filed 10/17/2006, are presented for examination.

### ***Claim Objections***

1. Claims 4-15, 17-26, 30-35, and 40-44 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternative only, and cannot depend from any other multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims 4-15, 17-26, 30-35, and 40-44 have not been further treated on the merits.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
2. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dadson et al. (US 5,053,003) in vies of Lee (US 4,999,885).
3. In Re claim 1, Dadson discloses a device for use in a peritoneal dialysis treatment, wherein the package includes a line set which comprises a first tubular line element 54, a second

tubular line element 52, and elements 60, 61, 65, 69 connected to the tubular line elements 54 and 52 (See Fig. 1).

According to one of the definitions the package is a number of different components to constitute a single item. As such the device of Dadson is considered to be a package.

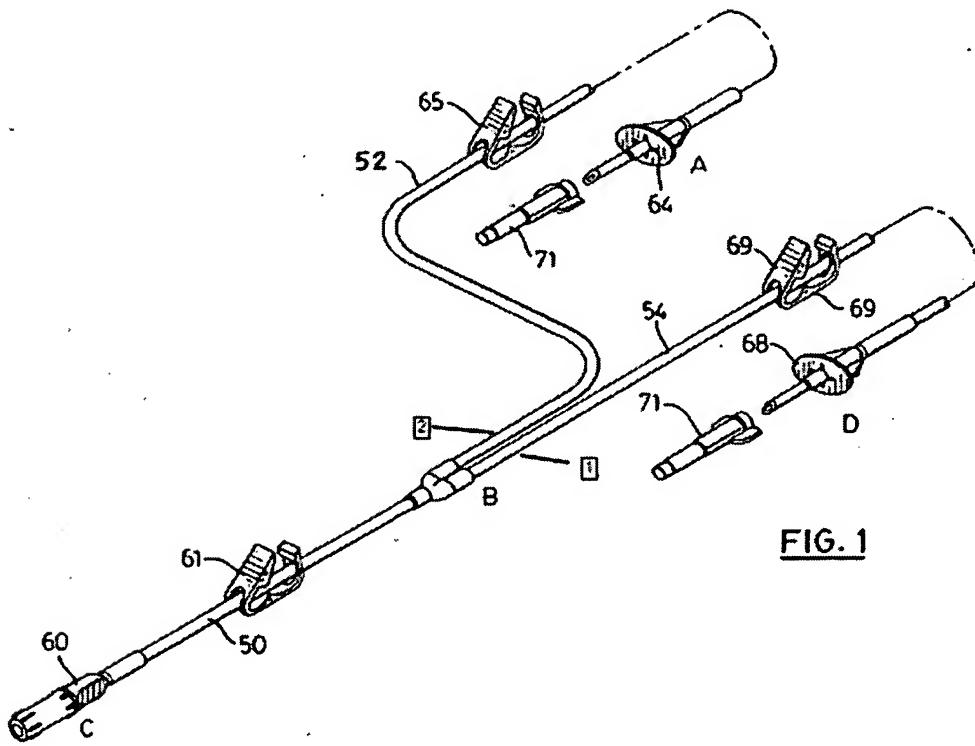


FIG. 1

Dadson does not expressly disclose the organizing means arranged to organize the line set such that no part of the line set extends across another part of the line set.

Lee teaches that it is known to use an organizing means arranged to organize the line set such that no part of the line set extends across another part of the line set (See Figs. 8, 9, and 10).

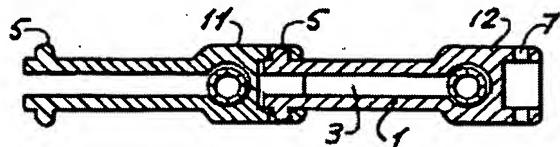
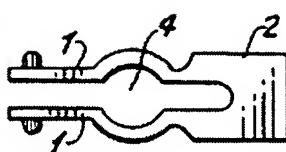
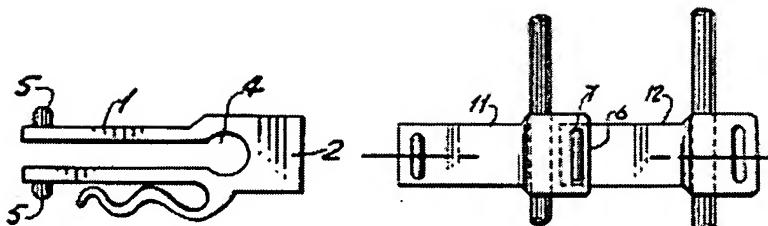


Fig. 8.



. 9.



. 10.

Fig. 7.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the package of Dadson with an organizing means, as taught by Lee because such modification would provide the organizing of the tubing package for use in a peritoneal dialysis treatment in the safety mode.

5. In Re claim 2, Dadson discloses the claimed invention discussed above, but does not disclose the organizing means is arranged to organize the whole line set at substantially the same level.

Lee teaches that it is known to make the organizing means arranged to organize the whole line set at substantially the same level (See Figs. 7-10).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the package of Dadson with an organizing means, as taught by Lee because such modification would provide a set being portable.

6. In Re claim 3, Dadson discloses the claimed invention discussed above, but does not disclose the organizing means is arranged to organize the line set such that no part of the tubular line elements is in contact with another part of the tubular line elements.

Lee teaches that it is known to make the organizing means arranged to organize the line set such that no part of the tubular line elements is in contact with another part of the tubular line elements (See Figs. 8, 9, and 10).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the package of Dadson with the the organizing means is arranged to organize the line set such that no part of the tubular line elements is in contact with another part of the tubular line elements, as taught by Lee because such modification would prevent tubing from the mechanical damage during the storing the package.

7. In Re claim27, Dadson discloses the method for manufacturing of a package for use in a peritoneal dialysis treatment, wherein the package including a line set, which comprises a first tubular line element, a second tubular line element and elements 60, 61, 65, 69 connected to the tubular line elements 1 and 2 (See Abstract, ln. 1-10; Fig. 1).

Dadson does not expressly disclose the step of organizing the line set such that no part of the line set extends across another part of the line set.

Lee teaches that it is known to use an organizing means to organize the line set such that no part of the line set extends across another part of the line set (See Figs. 8, 9, and 10).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method of Dadson with the step of organizing the line set, as taught by Lee because such modification would provide the organizing of the tubing package for use in a peritoneal dialysis treatment in the safety mode.

8. In Re claim 28, Dadson discloses the claimed invention discussed above, but does not disclose the method characterized by the step of organizing the whole line set at substantially the same level.

Lee teaches that it is known to use the organizing means capable to organize the whole line set at substantially the same level (See Figs. 8, 9, and 10).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method of Dadson with the step of organizing the whole line set at substantially the same level, as taught by Lee because such modification would provide a set being portable.

9. In Re claim 29, Dadson discloses the claimed invention discussed above, but does not expressly disclose the method characterized by the step of organizing the line set such that no part of the tubular line elements is in contact with another part of the tubular line elements.

Lee teaches that it is known to use the organizing means capable to organize the line set such that no part of the tubular line elements is in contact with another part of the tubular line elements (See Figs. 8, 9, and 10).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method of Dadson with the step of organizing the line set such that no part of the tubular line elements is in contact with another part of the tubular line elements, as taught by Lee because such modification would prevent tubing from the mechanical damage during the storing the package.

10. Claims 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee (US 4,999,885) in vies of Dadson et al. (US 5,053,003).

11. In Re claim 36, Lee discloses a holding member arranged to organize a tubing line set in a package and characterized in that the holding member is arranged to hold at least one portion of the first tubular line element in a predetermined position in relation to a portion of the second tubular line element (See Figs. 8, 9, and 10).

Lee does not expressly disclose the tubing line set comprises a first tubular line element, a second tubular line element and at least one components, connected to the tubular line elements.

Dadson teaches that it is known to use tubing line comprising a first tubular line element, a second tubular line element and at least one components, connected to the tubular line elements (See Fig. 1).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the holding member of Lee with the tubing line, as taught by Dadson because such modification would prevent tubing from the mechanical damage during the storing the package and provide the possibility ~~to~~ make the package portable.

12. In Re claim 37, Lee discloses a holding member characterized in that the holding member is arranged to perform said holding in a detachable manner (See Figs. 8, 9, and 10).
13. In Re claim 38, Lee discloses a holding member characterized in that the holding member comprises a first elongated recess restricted by at least one resilient jaw-shaped member, which is provided with concavities for holding detachably said portion of the tubular line element (See Figs. 8, 9, and 10).
14. In Re claim 39, Lee discloses a holding member characterized in that the holding member is arranged to hold the two portions in a predetermined position in relation to each other, such that the tubular line elements have a substantially parallel extension in the vicinity of the holding member (See Figs. 8, 9, and 10).

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US 4,639,980 disclose the TUBING ORGANIZER. US 5,309,604 disclose a clip device for holding flexible tubing. US 5,250,041 disclose the Apparatus for administering dialysis, including a separable tubing coupling. US 5,336,173 disclose the tubing set for performing peritoneal dialysis and a method of operating the same. EP 0 571 978 disclose the tube connecting device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ilya Y. Treyger whose telephone number is (571)270-3217. The examiner can normally be reached on 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tatyana Zalukaeva can be reached on 571-272-1115. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ilya Treyger  
Examiner  
AU 3761

TATYANA ZALUKAEVA  
SUPERVISORY PRIMARY EXAMINER

